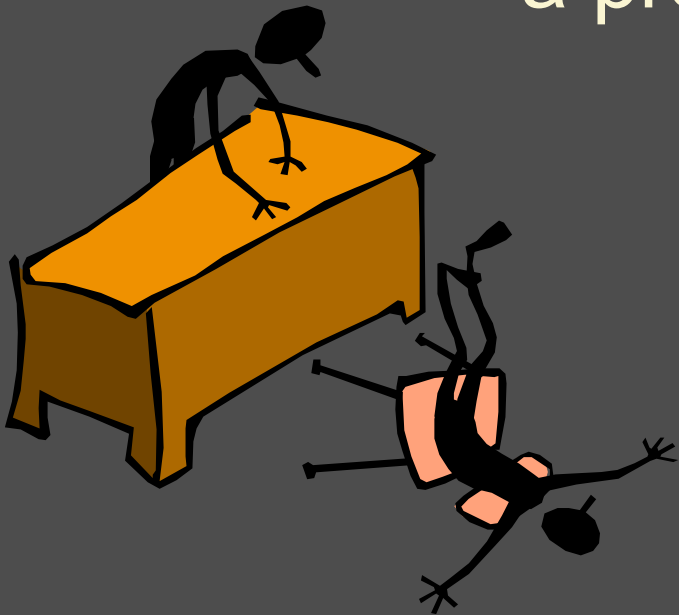


# Right to Due Process




VDH cannot arbitrarily revoke  
a provider's license






# Enforcement

- If a provider is found out of compliance, there are options for enforcing compliance
    - Supervision or monitoring by Center staff
    - Technical assistance/consultation
    - Negotiated consent to correct violations
    - Official warnings
- 



# Enforcement

- Enforcement strategies, con't.
    - Denial of a license
    - Non-renewal of a license
    - Voluntary suspension by licensee
    - Fines
    - Injunction
- 

Once a license is issued,  
it *cannot* be revoked or abridged  
without benefit of due process.





# Revocation

Due Process = fair play


No person shall be denied the right of life, liberty, or property without the opportunity to be heard in defense of his rights.

14<sup>th</sup> Amendment to the Constitution, ratified in 1868






# Revocation

- Official termination of a previously granted approval to operate as allowed by law
  - Based on substantial noncompliance with licensing laws or licensing regulations
  - Last resort
- 



# Revocation

## Authorized by law

- 32.1-162.13 (Home Care)
  - Used to compel compliance, not punish
  - Based on degree and extent of noncompliance and degree of risk to persons in care
    - “Willfully violating or refusing or neglecting to comply”
- 





# Revocation

- Revocation process is described in the Administrative Process Act (APA)
  - Informal and formal fact finding
  - Legal representation is allowed, but *not* necessary



VDH cannot arbitrarily revoke  
a provider's license  
without due process

